IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO. 1341 OF 2003
IN
SUIT NO. 24 OF 1990
(ORIGINAL PETITION NO. 303 OF 1987)

Late Madangauri B. Jatakia ...Plffs
(orig.Petitioner)
vs.
Chitranjan B. Jatakia ....Defnd

N.G. Bhatt for the applicants.
H.S.S. Murthy for the defendants.

CORAM : S.U. KAMDAR, J.

DATE : 10TH JUNE, 2005.

P.C. :

1. The present chamber summons is taken out by the Applicant to be added as a party in place of the deceased original plaintiff. The applicants no. 1, 2 and 3 are the legal heirs and Applicant nos.4 and 5 are the executors of the last will and testament of the deceased plaintiff. The present chamber summons is made absolute in terms of prayer clause (a). Amendment to be carried out within two

weeks. In so far as the second contention that whether the suit filed by the applicant No. 4 and 5 in their capacity as executor is maintainable or not ? The issue is kept expressely open to be determined at the hearing of the suit. Chamber summons to be made absolute accordingly. No order as to costs.

sd/-

****